

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

CR-07-00014-001

September 24, 2007
1:40 p.m.

UNITED STATES OF AMERICA -v- ANTONIETA BONIFACIO AGUON

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Court Reporter
MICHELLE MACARANAS, Deputy Clerk
ERIC O'MALLEY, Assistant U. S. Attorney
LOREN SUTTON, Counsel for Defendant
ANTONIETA B. AGUON, Defendant

PROCEEDING: SENTENCING

Defendant was present with her counsel, Attorney Loren Sutton. Government by Eric O'Malley, AUSA. Also present was U.S. Probation Officer, Melinda Brunson.

No objection by the government to the pre-sentence report. Court took up matters regarding defense counsel's objections and there being no objections by the government, Court so ordered the changes and made the corrections to the pre-sentence report.

Court adopted the presentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Court took up matters regarding government's motion for substantial assistance departure under U.S.S.G. § 5K1.1 and 18 U.S.C. § 3553 (e). Court granted the government's motion. Court imposed offense level of 15 from 17.

Defendant made her allocution.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **ANTONIETA BONIFACIO AGUON** is hereby sentenced to **22 months** imprisonment as to Count I with credit for time served. Upon release from imprisonment, the defendant is ordered to serve a term of supervised release of three years which will include the following conditions:

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1. The defendant shall be delivered to a duly authorized immigration official for deportation proceedings pursuant to 18 U.S.C. § 3583(d), and with the established procedures provided by the Immigration and Naturalization Act under Title 8 U.S.C. § 1101. As a further condition of supervised release, if deported, the defendant shall remain outside the United States and not re-enter without the permission of the Secretary of the Department of Homeland Security. If deportation does not occur and the defendant is released from confinement pending further immigration proceedings, she shall immediately report to the U.S. Probation Office to begin her term of supervised release;
2. The defendant shall not commit another federal, state, or local crime;
3. The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. The mandatory drug testing requirement is suspended based on the Court's determination that the defendant poses a low risk of future substance abuse;
4. The defendant shall submit to the collection of a DNA sample at the direction of the U.S. Probation Office;
5. The defendant shall comply with the conditions of supervision as adopted by this Court;
6. The defendant shall be prohibited from possessing a firearm or other dangerous weapon, as defined by federal, state, or local law, or have such weapon where she resides;
7. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer;
8. The defendant shall provide the probation officer access to any requested financial information; and
9. The defendant shall complete 300 hours of community service under the direction of the U.S. Probation Office.

Pursuant to U.S.S.G. § 5E1.1(a)(1), the defendant shall make restitution in the amount of \$791 for tax year 2005 and \$4,755 for tax year 2006 (for a total of \$5,546.00) to the Internal Revenue Service. Payments shall be made to the U.S. District Court of the Northern Mariana Islands, Attn: Clerk of Court, P.O. Box 500687, Saipan, MP, 96950 for disbursement to the IRS at the following address: Internal Revenue Service, Atlanta, Georgia, 39901. On checks sent to the IRS, the Clerk of Court shall reference the defendant's name, social security number, and tax years the payments are applicable to.

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Pursuant to U.S.S.G. § 5E1.2(e), all fines are waived since it has been determined that the defendant does not have the financial ability to pay.

It is further ordered that the defendant pay to the United States a special assessment fee of \$100 to be paid immediately after sentencing. Court further ordered that the defendant attend a financial management class while in prison.

No objection to the sentence by the attorneys. Defendant was advised that she had previously waived her right to appeal the sentence in this case but that if she or her attorney find any other reason in which to appeal that he had ten days in which to do so. Further, the defendant was advised of her right to an attorney for appeal and that the Court will appoint an attorney if she could not afford one.

Court remanded the defendant back into the custody of the U.S. Marshal.

Adj. 2:20 p.m.

/s/ Michelle Macaranas, Deputy Clerk